

MISSOURI COURT OF APPEALS WESTERN DISTRICT

AHMED SALAU,

Appellant,

v.

BRADY J. DEATON, et al.,

Respondents.

DOCKET NUMBER WD76305

Date: June 3, 2014

Appeal from:
Boone County Circuit Court
The Honorable Kevin Crane, Judge

Appellate Judges:
Division Four - James E. Welsh, Chief Judge, Presiding, Lisa White Hardwick, Judge
and Kevin Harrell, Special Judge

Attorneys:
Ahmed Salau, Appellant Pro Se, Kansas City, MO, for appellant.
Paul R. Maguffee, Columbia, MO, for respondent.

MISSOURI APPELLATE COURT OPINION SUMMARY

COURT OF APPEALS -- WESTERN DISTRICT

AHMED SALAU

Appellant,

v.

BRADY J. DEATON, et al.,

Respondents.

WD76305

Boone County

Before Division Four - James E. Welsh, Chief Judge, Presiding, Lisa White Hardwick, Judge and Kevin Harrell, Special Judge

Ahmed Salau appeals the circuit court's order denying his motion for a preliminary injunction against Brady J. Deaton, Chancellor of the University of Missouri; Catherine J. Scroggs, Vice-Chancellor of the University of Missouri; and Donnell Young, Senior Coordinator, Office of Student Conduct, University of Missouri (collectively, "Respondents"). Salau sought to preliminarily enjoin Respondents from holding a formal hearing on allegations of misconduct against him and from making any decision adverse to his status as a student and research assistant at the University. On appeal, Salau contends he was entitled to a preliminary injunction because the University's notice of the hearing was deficient, the hearing violated his Fifth Amendment right against self-incrimination, and the University did not have an attorney present to advise the Student Conduct Committee during the hearing. Salau further argues that the court erred in consolidating the preliminary injunction with a hearing on the merits pursuant to Rule 92.02(c)(3).

APPEAL DISMISSED.

Division Four holds:

Although the circuit court designated the order in this case as a "final judgment," the content, substance, and effect of the order indicate that the order was neither final nor appealable. The order denied only Salau's request for a preliminary injunction. The denial of a request for a preliminary injunction is interlocutory and is not a final judgment on the merits. The court's consolidation of the preliminary injunction hearing with any later trial on the merits pursuant to Rule 92.02(c)(3) merely preserved the evidence presented at the preliminary injunction hearing. The consolidation did not preclude Salau from having a later trial on the merits or transform the court's order into a final decision on the merits denying him permanent injunctive relief. Because the judgment is not final, the appeal is dismissed.

Opinion by: Lisa White Hardwick, Judge

June 3, 2014

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